



BOULT • CUMMINGS
CONNERS • BERRY PLC

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2004 OCT 27 PM 4:15

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(615) 252-2363
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T.R.A. DOCKET ROOM

October 27, 2004

Hon Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Pkwy.
Nashville, Tennessee 37243

Re: *GENERIC DOCKET TO EXAMINE TARIFFS SETTING RATES FOR INMATE
PAY PHONE USAGE*
Docket No. 04-00166


Dear Chairman Miller:

Enclosed please find the original and fourteen (14) copies of Pay-Tel Communications, Inc.'s Responses to the TRA's Data Requests, issued October 15, 2004

Please be advised that Exhibits 2, 4, and 5 are *Trade Secret and Proprietary*.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By. 
Henry Walker K9

HW/krq

1001421 v1
076273-001 10/27/2004

LAW OFFICES
414 UNION STREET • SUITE 1600 • PO BOX 198062 • NASHVILLE • TN • 37219
TELEPHONE 615 244 2582 FACSIMILE 615 252 6380 www.boultcummings.com

PAY TEL COMMUNICATIONS, INC
Responses to the Data Request from
the Tennessee Regulatory Authority dated October 15, 2004

1) *Describe the different types of surveillance equipment (minimum maximum levels of security) available to inmate facilities.*

In responding to this request for "surveillance equipment", it is Pay Tel's understanding that the TRA is interested in learning about the different types of inmate telephone service ("ITS") equipment available today to control, track, monitor and record inmate calls. Pay Tel provides four basic options for increased levels of security and control. The facility would first choose either Option 1 or Option 2. If the facility has chosen Option 2, then it can enhance their system by including Option 3 or 4 or by including both of these options

Option 1: Basic Controls

- Automated Call Processor ("ACP")
- ACP Automated Operator gives voice prompts to inmate to state name and dial number
- LIDB/BNS database query
- LIDB returns Code 50 rejects, billed number screening (BNS) and OCN of LEC
- 0+ to 1+ call conversion
- ACP determines correct call routing
- Call is completed
- Prison call branding
- Automated rate quotes
- Incoming calls blocked
- Call time limits
- Number blocks: harassing calls, witnesses
- Free calls to Public Defenders

Option 2: Advanced Controls with Specific Rate Quotes

Provides in addition to above:

- Specific rate quotes for calls
- 3-way call detection
- Voice overlay/repeat branding
- Fraud digit detection to prevent secondary dial tone
- Flag calls to specific ANIs
- Flag calls from various Cell Blocks to same ANI

Option 3: Monitoring and Recording with Option 2 above:

- Real time monitoring of inmate conversations
- Recording and playback of inmate conversations
- Recording and monitoring selectable by PIN, phone number, Cell Block
- Full time, full channel recording

Option 4: Administrative Terminal with Options 2 and 3 above:

- Allows facility to have direct control and access to system
- Provides administrative reporting
- Implement call alerts to real-time call investigation
- Digital controls to turn off individual phones or cell blocks
- On-site blocking
- PINS to restrict access to approved numbers only

Attached is Exhibit 1, "Inmate Telephone Service", which provides a description of the capabilities of the various systems

- 2) ***Provide the cost to inmate facilities for each type of equipment described in item one (1) above. Additionally, please itemize all costs incurred by inmate facilities for installing maintaining the equipment. Costs should be separated into nonrecurring (installation recurring costs.***

When Pay Tel provides ITS to a confinement facility, there are no direct costs to the facility for the equipment, installation or ongoing maintenance of the system. All of these costs are incurred by Pay Tel. The cost of the equipment for options 1, 2, 3 and 4 are included in the attached Trade Secret and Proprietary Exhibit 2.

The costs incurred by the facility are staff costs associated with the facility officers' responsibilities to administer the system to allow calls while protecting the public. The more sophisticated the controls and monitoring features, the more officer time is required to administer this system.

Facility administrative responsibilities for the options mentioned in No 1 above:

Option 1: One or more officers per shift

- Trained on telephone system
- Answer questions for inmates and family members
- Create internal list of numbers to be blocked
- Take requests from the public to have numbers blocked
- Contact ITS provider for service issues
- Accompany technicians while in facility

Option 2: Administrative responsibilities in addition to duties mentioned in option 1.

One or more officers per shift regularly work with ITS provider to manage call traffic:

- Initiate call traffic investigations
- Maintain negative databases
- Flag calls to specific ANIs
- Flag calls from various cell blocks to same ANIs
- Administer debit card system

Option 3: Administrative Responsibilities in addition to duties mentioned in options 1 and 2.

One or more officers per shift with security clearance assigned specific responsibilities:

- Flag calls for facility alerts to monitor specific inmate conversations
- Real time monitoring in inmate conversations
- Recording and playback of inmate conversations
- Assist other law enforcement officials with ongoing investigations related to specific inmates

Option 4: Administrative Responsibilities in addition to duties mentioned in options 1, 2 and 3.

One or more officers per shift receive extensive training on administration of the inmate telephone system.

- Facility officers have full access and control of system
- Increased educational requirements of officers to learn to use system
- Remove and implement administrative blocks
- Generate reports and statistical analysis
- Directly research and identify call traffic patterns

The more sophisticated equipment requires more technically proficient officers. When trained officers daily review and monitor the vast amounts of information produced by the system, crimes are solved and prevented, and the public is protected. The attached letters (Exhibit 3) provide real-life examples of the many benefits experienced by law enforcement and the public from trained officers working with sophisticated ITS systems.

3. ***Identify the company responsible for installing the surveillance equipment and discuss all terms and conditions for installing the equipment. Include in your discussion whether inmate facilities purchase this equipment as part of their contract with Pay Tel, purchase the equipment independent of Pay Tel, or whether the equipment remains property of Pay Tel.***

Pay Tel responds to a Request for Proposal with a competitive bid; and if selected by the facility, Pay Tel will enter into an exclusive contract to provide ITS for a period of time (usually five years). For the exclusive right to provide the ITS, Pay Tel is responsible for purchasing the equipment, as well as for installation and ongoing maintenance. It is the

responsibility of Pay Tel to replace any defective or vandalized equipment and provide any equipment or software upgrades necessary to meet ongoing requirements of the facility. The equipment remains the property of Pay Tel and will be removed at the end of the contract or upgraded if the contract is renewed.

4. *How do inmate facilities pay for/recover the cost of surveillance equipment?*

The ongoing staff costs to fulfill the facility responsibilities to administer the ITS system outlined in the response to No. 2 above are recouped through the revenues that Pay Tel shares monthly with the facilities. In the contract to provide ITS, Pay Tel agrees to share a percentage of the billed revenues with the facility. In most cases, the revenues are paid to the county and are credited back against the budget for the sheriff's office to fund officer staff costs. As systems have become more and more sophisticated in recent years, the staff costs to administer those systems have increased significantly.

Today in Tennessee the average revenues shared monthly by Pay Tel with each county are approximately the cost to pay the salary of one officer.

5. *Identify all other monthly expenses incurred by Pay Tel for maintaining inmate payphones.*

Pay Tel maintains a staff at its operation center in Greensboro, North Carolina, which is capable of responding to facility requests twenty-four hours per day, 365 days per year.

This staff is responsible for providing varying levels of facility support. For facilities without administrative terminals, the Pay Tel staff will:

- Monitor automatic polling/blocking cycles 24/7
- Provide call detail on requested numbers
- Block/unblock phone numbers
- Change dial patterns for local/LD calls
- Analyze line usage
- Make test calls to requested BTNs
- Place call alerts
- Provide frequently called number reports
- Assist with investigations

The operations staff coordinates the activities of Pay Tel's service technicians that live in the various states where Pay Tel provides ITS. These technicians are responsible for:

- Train jail personnel on system function
- Repair/replace handsets/keypads/hook switches on phones in cell blocks
- Troubleshoot connectivity issues and repair them
- Install high-speed modems and maintain functionality
- Reset/reboot ACP when needed
- Provide a detailed site survey for expanding/new sites
- Pull wire for new phones

For facilities with more sophisticated equipment, extensive time is spent periodically training officers at the facility on how to administer the ITS system. Additional time is spent with

these officers on a regular basis in assisting them with maximizing the utilization of the ITS system. For facilities with the more sophisticated equipment, the operations staff will also assist with:

- Monitoring back-up tape replacement
- Provide system expertise on administrative terminal functions and capabilities
- Troubleshoot and repair networking issues
- Assist jail personnel to monitor/hear recorded conversations and to burn a CD when needed
- Respond to subpoenas for explanation of ITS system features, call detail records and call recordings

The other primary responsibility of the operations staff is to make certain the ITS system is functioning properly twenty-four hours per day. Multiple computers in the operations center are constantly monitoring each ITS system in the field to verify that the system is functioning properly and completing calls. Call records are retrieved daily and checked for accuracy. If at any point a system malfunction is determined or suspected, an operations specialist will call into the system to perform remote diagnostics. If a problem cannot be resolved, a Pay Tel technician living in the service area will be dispatched to the facility to trouble-shoot the problem and replace the equipment if necessary.

Pay Tel's customer service staff works in coordination with the operations staff to assist customers wanting to receive calls at unbillable numbers. The dramatic rise in customers using C-LECs and wireless carriers (620% over the past two years) for their phone service has created a massive problem with unbillable calls for ITS providers. Every day the number of these calls is increasing and these carriers refuse to provide billing and collection agreements. In an effort to avoid service interruptions, Pay Tel's Operations Department identifies these calls as they are placed and immediately initiates automated calls to these numbers to instruct the call recipients to contact Pay Tel at (800) PAYTELL to set up alternate billing arrangements. The customer service staff will then set up direct bill or prepaid accounts for these customers.

The ever-increasing number of calls to C-LEC and wireless numbers has caused Pay Tel to increase its staff overhead by over 48% in the last two years to address this problem.

See attached Trade Secret and Proprietary Exhibit 4 for Pay Tel's monthly costs for maintaining the inmate payphones.

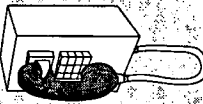
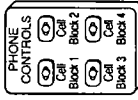

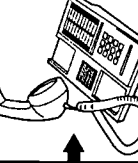
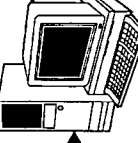
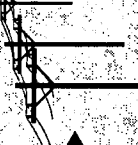

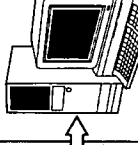
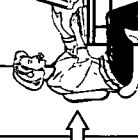
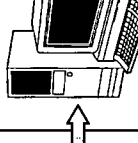
- 6. Identify by each inmate location served by Pay Tel the amount of revenues generated from inmate payphones. The revenues should be separated by local calls, intrastate long distance calls and interstate long distance calls. The revenues for local collect calls should reflect the new \$1.50 rate cap. Please provide the information based upon the most recent twelve (12) months of data available (call volumes).**

See attached Trade Secret and Proprietary Exhibit 5.

Inmate Telephone Service

Pay Tel Communications, Inc
Response to TRA DATA Request dated October 15, 2004

EXHIBIT 1

									
<p>"Dumb" phones with vandal proof equipment</p> <p>Inmate Voice Prompts</p> <ul style="list-style-type: none">• Phone taken off hookPlease dial "zero" plus the number you are calling now• Inmate dials numberYour call will be placed as a collect callState your name now (beep)Your name has been recorded as (name)If you want to record your name again dial "two"For rate information dial "four"One moment while your number is being validatedPlease wait while your number is dialed• Called party answers phone and accepts callCall accepted. Thank you for using IPSP CommunicationsGo Ahead• To signal end of callYou have one more minute for your callYou have fifteen seconds left	<ul style="list-style-type: none">• On/off switches for individual inmate phones <p>On-Site Inmate Phone Manual Controls</p>	<p>Database Management</p> <ul style="list-style-type: none">• PINs to restrict access to approved numbers only• Number blocks• Free calls to Public Defenders, Bail Bondsman <p>Call Processing</p> <ul style="list-style-type: none">• ACP Automated Operator gives voice prompts to inmate to state name and dial number• LIDB/BNS database query• LIDB returns "050" no billed number screening (BNS) validation and OCN of LEC• 0+ to 1+ call conversion• ACP determines correct call routing• Call is completed• Prison call branding• Automated rate quotes• Incoming calls blocked <p>Call Monitoring</p> <ul style="list-style-type: none">• Call Time Limits• 3-way call detection• Voice overlay/repeat branding• Flag calls for facility alerts• Fraud digit detection to prevent secondary dial tone <p>Investigations</p> <ul style="list-style-type: none">• Flag calls to specific ANIs• Flag calls from various Cell Blocks to same ANI	<p>Real-time monitoring of inmate conversations</p> <ul style="list-style-type: none">• Recording and playback of inmate conversations• Recording and monitoring selectable by PIN, phone number, Cell Block• Full time, full channel recording <p>Frequently Called Numbers</p> <ul style="list-style-type: none">• Administrative reporting <p>Facility Controls</p> <ul style="list-style-type: none">• Call alerts for real-time call investigation• Digital controls to turn off individual phones or cell blocks <p>Database Management</p> <ul style="list-style-type: none">• Maintain negative databases – on site blocking• PINs to restrict access to approved numbers only	<p>LEC connects local calls</p> <p>IXC connects long distance calls</p>	<p>Called Party Voice Prompts</p> <ul style="list-style-type: none">• Called party answers phoneYou have a collect call from (name of inmate) at (name of facility /detention center)If you will accept dial "three" nowFor rate information dial "four"To decline the call, dial "nine" or hang up now• Called party dials "three" to accept callThank you for using IPSP CommunicationsGo ahead• To signal end of callYou have one more minute for your callYou have fifteen seconds left	<p>Database Management</p> <ul style="list-style-type: none">• Number blocks for harassing calls, witnesses, facility staff• Free calls <p>Fraud Investigation Traffic Analysis</p> <ul style="list-style-type: none">• Post-Call Velocity Checks• Calling Pattern Analysis• Calls from multiple Cell Blocks to same ANI• Multiple originating numbers to the same terminating number <p>Fraud Investigation Blocks</p> <ul style="list-style-type: none">• Multiple numbers at the same address• Uncollectable calls• High Toll calls	<p>Facility Support</p> <ul style="list-style-type: none">• Service requests• Call Detail Reports• Monitor calling patterns and velocity checks <p>Customer Support</p> <ul style="list-style-type: none">• Customer inquiries• Customer requested blocks• High Toll Program• Secure bill name and address from local exchange companies• Contact customers to verify billing• Credit applications• Credit checks• Direct billing and collection	<ul style="list-style-type: none">• Processing billing records to LECs• Monitor for off-net and Code 50 rejects• Maintain files for off-net and Code 50 rejects (CLECs with no billing and collection agreements)• Manually bill off-net and Code 50 rejects	



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

804 Moorefield Park Drive #201
Richmond, Virginia 23235

March 30, 2004

www.atf.gov

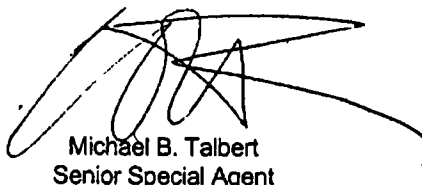
Lt Col Robert Beatty
Charlottesville/Albemarle Joint Security Complex
1160 Peregrine Lane,
Charlottesville, Virginia 22902

Dear Lt. Col. Beatty,

This correspondence is intended to serve as a formal acknowledgement of the continued superior investigative assistance given to Federal Law Enforcement by your facility. The cooperative nature and atmosphere created by the Command staff and implemented by the officers at the Charlottesville/Albemarle Joint Security Complex is remarkable. You and the staff's rapid response to request for record phone calls are without compare.

As you well know the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is charged by congress to assist State, Local and other Federal Law Enforcement. It is incumbent that investigations are as wide reaching and as effective as possible. The phone recording system currently in place at the Charlottesville/Albemarle Joint Security Complex is an invaluable tool in this charge. The system has lead to the recovery of evidence in major criminal investigations, as well as, more routine criminal investigations. Defendants have provided incriminating statements and furthermore have identified witnesses and other co-conspirators pointed out parties previously unknown to investigators. Other inmates have unwittingly provided information gleaned from cellmates while talking on the phone. The government has been able to act on and stop witness tampering and witness intimidation, when recorded calls and a vigilant staff have been at the helm. Without a doubt there would be a much further reaching arm of terror by these lawless gangsters if this tool were not in place.

I would again like to thank both yourself and Sgt. Sandridge for the continued support in our common pursuit of justice. Without your tireless work and these invaluable recordings a countless number of crimes would go unsolved and persons would be unnecessarily victimized. Thank you again.



Michael B. Talbert
Senior Special Agent



ACCREDITED LAW ENFORCEMENT AGENCY



COUNTY OF ALBEMARLE
POLICE DEPARTMENT
401 McIntire Road
Charlottesville, Virginia 22902-4596
Phone: (434) 296-5807 Fax: (434) 972-4061

January 26, 2004

*I completely agree.
John Isom
1-30-04*

Dear Superintendent Isom,

I am writing this letter on behalf of the Albemarle County Police Department and to extend our sincere appreciation and gratitude to several members of your staff. Sergeant Patrice Sandridge, Captain Todd Roland and Captain Charles Trader. Beginning in May, our agency began an in depth and complicated investigation involving an inmate at ACRJ. We were notified that this inmate had made several threats towards multiple subjects to include Commonwealth Attorneys and Judges, as well as a family member. Sgt. Sandridge was first called upon for assistance regarding monitoring the inmates phone calls and copying them for me. These became extremely valuable throughout the case and helped lead to the ultimate guilty plea. Sergeant Sandridge went above and beyond her responsibilities and uncovered crucial information, which was quickly relayed to investigators. Over time, it has been noticed that her valued performance remains consistent.

Captain Charles Trader and Captain Todd Rowland also played an intricate role in the case. The decision was made to "wire" another inmate as well as a cell for purposes of recording pertinent conversations of the suspect. Captains Trader and Roland were flexible and diligent in their efforts to orchestrate the combining of the inmates and making everything look legitimate. They also worked tirelessly when changing tapes and monitoring the recording that was installed within the jail itself. They worked with investigators getting important information to and from the informant and should be commended on their efforts.

It is cases like this, a joint effort for a common cause, which makes me proud to be a law enforcement officer. Without the efforts of your staff, this case may have been hard to prove and possibly not successful at all. Again, the work of your employees and their diligence and professionalism was certainly noticed throughout the investigation and culminated with a guilty plea on December 9, 2003. Please join me in commending and congratulating these officers on a highly successful effort.

Sincerely,

Shawn Schwertfege
Sgt. Shawn Schwertfege
Investigations Division

Sincerely,

John Parrent
Lt. John Parrent
Investigations Division

March 31, 2004

Lt. Col. Robert Beatty
Albemarle - Charlottesville Regional Jail
160 Peregrory Lane
Charlottesville, VA 22902

Dear Lt. Col. Beatty,

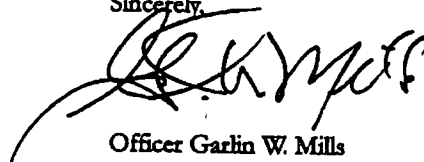
Over the past two years, I have had the opportunity to work with and evaluate the Pay - Tell Telephone System. This system is one of the most innovative investigative tools that I have found. Evidence obtained through the proper operation of this system has been valuable not only in State Court but Federal Court as well. This information which was brought forth on this system not only ensured convictions but also gather enough information for additional crimes which were committed.

As an example of this information, an incarcerated subject (who was incarcerated on misdemeanor charges) divulged enough information over the telephone, to stop a potential murder of a family. The information led law enforcement to a map of the victims home, (or a home which the victim and his family had lived in several years before) this was found inside of the inmates cell. This case was important to me because the map was to a house which my family and I had lived in seven years prior. The inmate had made threats to execute my family and myself. Information received after this revealed another map drawn on a wall which was in close proximity of my family's existing home.

I must reiterate that this system used properly has not only solved crimes, but has prevented crimes. This system has also built a solid bridge between Law Enforcement and Corrections.

In conclusion I must thank you and your invaluable staff for having the insight and fortitude to implement and operate this system which literally saved the lives of me and my family.

Sincerely,



Officer Garlin W. Mills
Charlottesville Police Dept.



Bartow County Sheriff's Office

P.O. BOX 476 • CARTERSVILLE, GEORGIA 30121

Telephone: (770) 382-5050

FAX: (678) 721-3206

Clark Millsap, Sheriff

June 18, 2004

Pay-Tel Communications
Attn: Vince Townsend

Dear Mr. Townsend,

This letter is in reference to your system we had installed almost two years ago. Enclosed you will find several letters from our Departments that your system's features has helped. I can't say enough how pleased I am with the system and how beneficial it is to us at the Bartow County Sheriff's Office.

I too look forward to a long business relationship with Pay-Tel and its staff.

Sincerely,

Sheriff Clark Millsap



Bartow County Sheriff's Office

P.O. Box 476 Cartersville, Georgia 30121

Telephone: (770) 382-5050

Fax: (770) 387-5064

Web: <http://www.bartow.org>

Clark Millsap, Sheriff

Pay-Tel Communications
Post Office Box 8179
Greensboro, NC 27419

To Whom It May Concern,

I am writing you this letter to congratulate you on your product you have installed at our facility. Since it was installed in December of 2002 I have marveled at its many features. Our previous system was quite antiquated and offered none of the fine investigative tools that came with your software. Since it's installation I know personally of several occasions where crimes were either prevented or solved because of its ability to record and replay all outgoing calls. I have personally solved two cases, one being a staff/inmate fraternization problem that would have been impossible to prove without your system. The system has also been paramount in our quest to stop harassing calls to the citizens of Bartow County from unruly inmates, I thank you on their behalf because this was a big problem with our old system.

I am the assistant systems administrator at the Sheriff's Office so I occasionally am required to help with the maintenance of our systems which include the Pay-Tel System. The ease of its use to block numbers, record calls to disk etc. is a very nice feature when you are working in the correctional environment and are constantly pushed for time.

The last thing I would like to mention is that most of our inmates and their families seem to like the system, the ease of use to speak to their loved ones coupled with the fact of the low rates which are currently being charged usually makes for a pleasant experience for them during a difficult time.

I look very much forward to a long business relationship with Pay-Tel Communications and its fine staff.

Warmest Regards,

A handwritten signature in black ink, appearing to read "G.M. Dover", written over a horizontal line.

Major G.M. Dover
Jail Administrator



Bartow County Sheriff's Office

P.O. BOX 476 • CARTERSVILLE, GEORGIA 30121

Telephone: (770) 382-5050

FAX: (678) 721-3206

Clark Millsap, Sheriff

June 17, 2004

Vince Townsend
Paytel Communications

Dear Mr. Townsend,

The Bartow County Sheriff's Office Narcotic Enforcement Team is fortunate enough to have the Paytel phone System as an investigative tool. The Paytel system has done several things for our unit. It has helped in clearing existing cases, identifying unknown drug sources, and uncovering information that has lead to the initiation of new cases. The ability to monitor inmates, who are known drug offenders, phone conversations has led to numerous drug arrests. If we were to loose the Paytel System it would certainly be detrimental to our unit and to the performance of our duties.

Sincerely,

Captain Brenton Garmon
Narcotic Enforcement Team



Sheriff of Burke County

John T. McDevitt

(828) 438-5500
(828) 322-5035
(828) 733-1222
Fax (828) 438-5469

**TO: Mr. Roy Cooper
N. C. Attorney General
N. C. Dept. of Justice
P.O. Box 629
Raleigh, N. C. 27602-0629**

**FROM: John T. McDevitt
Sheriff of Burke County**

DATE: April 22, 2004

REF: Inmate telephone systems

Mr. Cooper,

I am writing regarding the pay-tel inmate phone system we installed in the Burke Catawba District Confinement Facility (176 inmate capacity) and the Burke County Jail (66 inmate capacity). We installed these systems several years ago.

Both of these systems have become a vital asset to the security of these facilities. I could list case after case in which the inmate phone system has assisted in different investigations. However, I will only list a few.

The first was a First Degree Murder case in which the suspect was talking with his mother by phone and gave some very incriminating evidence against himself.

Second was another case in which an 18 year old individual was in jail for killing his grandparents. Thanks to the inmate phone system, we discovered an escape plan and we were able to prevent the escape.

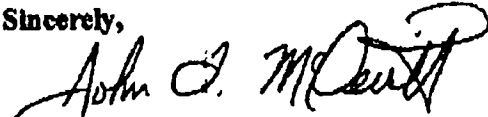
The third, and most chilling is a sling blade killing in which an inmate was talking by phone to his uncle. During the conversation an intruder entered the uncle's residence and chopped him to death with a sling blade. The entire homicide was captured on our inmate phone system and will be used in the prosecution of the suspect who was arrested several days after the murder.

I know these phone systems are expensive, however you can't put a price on the evidentiary value of an audio tape of an actual murder in progress.

This phone system is one of the best tools law enforcement can have in our arsenal. Our system has already paid for itself by the invaluable assistance it has provided our's and surrounding agencies.

Thank you for your time and consideration and your continued support.

Sincerely,

A handwritten signature in cursive script, reading "John T. McDevitt". The signature is written in dark ink and is positioned above the printed name.

John T. McDevitt
Sheriff of Burke County

JTM:mhs



PITT COUNTY, NORTH CAROLINA
OFFICE OF THE SHERIFF
MAC MANNING, SHERIFF

August 14, 2004

Mr Phil Ellis
Pay-Tel Communications, Inc
P O Box 8179
Greensboro, N C. 27419

Dear Mr. Ellis,

I am writing to extol the inrhat telephone system at the Pitt County Detention Center and how it helped prevent a miscarriage of justice.

The superior court trial of Otis Williams, who was charged with murder, began on Tuesday, July 13, 2004 in Pitt County. A couple of days into the trial, the district attorney's office received a tip that one of the jurors was having telephone conversations with William's cellmate.

District Attorney Clark Everett and members of the Sheriff's Office used the call recording feature of the Pay-Tel system to identify and replay suspected telephone conversations. A recording of the calls was presented to the presiding judge and a mistrial was subsequently declared. The errant juror was incarcerated on contempt charges. Additional charges have since been filed against the defendant and his cellmate.

I am enclosing copies of newspaper articles about the case and the role that the Pay-Tel system played in providing key evidence of the jury tampering. We frequently use this feature to aid in criminal investigations and jail security matters

I am very pleased with the Pay-Tel system and the state of the art technology that it affords our personnel in the performance of their duties. I am very grateful to you and the entire Pay-Tel team for the professional business relationship we enjoy.

Sincerely,

A handwritten signature in cursive script that reads "Mac E. Manning, Jr.".

Mac E Manning, Jr.
Sheriff
Pitt County

MAILING ADDRESS:
POST OFFICE BOX 528
GREENVILLE, NORTH CAROLINA 27835

OFFICE: (252) 830-4142
FAX: (252) 830-4166

STREET ADDRESS:
100 WEST THIRD STREET
GREENVILLE, NORTH CAROLINA 27835

Inmate, juror conversations lead to charges

By Amanda Karr
The Daily Reflector

The cellmate of a man who went on trial for murder earlier this month has been charged with communicating with a juror and obstruction of justice.

Indictments allege Antwan Holloway, a federal prisoner incarcerated at the Pitt County Detention Center, had telephone conversations with a juror in the case of Otis Williams, charged with killing a Griton woman in 2001.

Holloway and Williams were cellmates at the time.

Judge Thomas Haigwood declared a mistrial in Holloway's trial July 15 after court officials learned of the telephone calls. According to Haigwood, the conversations included discussions on what the juror would be wearing to court, the belief that the state was only concerned about getting convictions regardless of the evidence and the mention of a hung jury.

Staff at the sheriff's office



WILLIAMS

Samantha Grimes, 22, of 933 Mizzell St., listed on her juror information form.

Telephone calls made by inmates at the detention center are recorded and monitored, a fact inmates are warned of at the start of every call.

Grimes and Holloway knew each other well before the start of Williams' trial, Sheriff Mac Manning said.

"It was just a huge coincidence," he said.

The charges stem from more than just the two talking, though. Holloway was charged because the communication

CELLMATE

Continued From B1

was intended to influence the official action of a juror, according to the indictments.

The indictment for obstruction of justice alleges Holloway induced Grimes to take part in the offense.

Manning declined to comment on what involvement and knowledge Williams may have had, if any, in the phone conversations. He said the investigation into the situation is ongoing.

"This is such an unusual circumstance, but I think the court dealt with that in part from the bench. Whether we go further depends on what evidence is uncovered and on conversations with district attorney's office," Manning said.

Grimes was found in criminal contempt by Haigwood immediately after he declared a mistrial in the case a day and a half into testimony.

She was sentenced to 30 days

in jail and fined more than \$800 to cover other jurors' jury duty fees.

Under oath in the judge's chambers, Grimes admitted to having the conversations. She also said she understood the instructions of the court not to discuss the case with anyone and to make the judge aware if such an incident occurred, Haigwood said.

"Both sides of the issue need to have a fair trial. Our system of justice hinges on a fair and impartial jury, and when something like this arises that gives clear indication that one person, someone on the jury, isn't going to be fair and impartial, that creates a huge problem for arriving at justice," Manning said.

William's trial will be rescheduled. He is charged with murder, rape, breaking and entering and arson in the death of Joyce Stevenson, 55. Stevenson was found dead in her burned mobile home in January 2001. Four people, including Williams, were charged in her murder.

B

Thursday, July 29, 2004

INDICT

Continued From B1

B

Wednesday, August 11, 2004

Williams is facing further charges

■ In addition to five other felonies, including murder, 40-year-old Otis Patrick Williams now faces charges of obstruction of justice, communication with a juror and conspiracy to commit a felony.

By Amanda Karr
The Daily Reflector

A murder defendant in a murder trial was indicted Monday on charges of trying to influence the jury verdict in his previous trial.

In addition to five other felonies, including murder, 40-year-old Otis Patrick Williams now faces charges of obstruction of justice, communication with a juror and conspiracy to commit a felony.

In mid-July, Judge Thomas Haigwood declared a mistrial a day and a half into testimony in Williams' trial. Haigwood had learned a juror had been having telephone conversations with the defendant's cellmate. Williams was on trial for charges related to the death of a Grifton woman in 2001.

The juror, Samantha Grimes, 22, of 933 Mizzell St., was found in criminal contempt of court and sentenced to 30 days at the Pitt County Detention Center.

On Monday she also was indicted on an obstruction of justice charge.

The cellmate also involved in the alleged plot, 23-year-old Antwan Holloway, was indicted late last month on charges of communicating with a juror and obstruction of justice. Holloway is a federal prisoner who had been housed with Williams at the Pitt County Detention Center.

Grimes and Holloway had talked on the phone 15 times when the recorded calls were discovered during the trial. The conversations included discussions on what Grimes would be wearing to court, the belief that the state was only concerned about getting convictions regardless of the evidence and the mention of a hung jury, according to Haigwood.

Staff at the sheriff's office and district attorney's office discovered the conversations in recorded telephone calls from Holloway to the phone number

Grimes listed on her juror information form. Telephone calls made by inmates at the detention center are recorded and monitored, a fact inmates are warned of at the start of every call.

Holloway and Grimes knew each other well before the start of the trial. Under oath in the judge's chambers, Grimes admitted to having the conversations. She also said she understood the instructions of the court not to discuss the case with anyone and to make the judge aware if such an incident occurred, Haigwood said after the trial. The indictment against Grimes for obstruction of justice alleges she attempted to influence the decision of the jury.

Indictments against Williams allege he induced Grimes and Holloway to participate in the offenses.

Also indicted Monday were:

■ Bobby David Haddock Jr., 44, of 2116 N.C. 33 West on five counts each of breaking and entering, larceny, possession of stolen goods and injury to real property, as well as one count of attempted breaking and entering. The charges stem from break-ins between January and

March of this year at businesses including Jersey Mi Subs, Exxon and Guerrerense.

■ Louis Ray Spencer, 23, of Jasmine Drive, Washington two counts each of first degree rape of a child and indecent liberties with a child involving a girl under the age of 13.

■ James Earl Lovitt Jr., 34, 4425 Lee St., Ayden, on assault with a deadly weapon with intent to kill, simple assault, communicating threats, injury to personal property, connection with punching, hitting a man with a vehicle.

■ Roosevelt Mackey Jr., 44, 1704 Coit Tower on attempted murder and assault with a deadly weapon with intent to kill inflicting serious injury, connection with a knife attack on a woman.

■ Ricky Williams, 19, of 2 A E. 10th St. on kidnapping, assault on a female and interfering with emergency communications.

■ Three men on habitual misdemeanor assault. One man intimidating a witness, men on trafficking drugs, involving marijuana, cocaine and the other involving oxycodone.

Office of the Sheriff

Sheriff
Litchard D. Hurley



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Asheboro, NC 27203

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April 19, 2004

Mr. Roy Cooper
Attorney General
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629

Dear Mr. Cooper,

The Randolph County Jail has had the capability of recording inmate pay phone calls for approximately six months.

In that short time it has helped us to solve a bank robbery for the City of Asheboro, has helped on numerous drug investigations, and is currently being used in a 1st degree murder trial.

If there is anything your office can do to further advance this investigative tool or to help other agencies acquire this service, it would be a great benefit to all law enforcement agencies in this state.

Thanks in advance for your consideration in this matter,

Sheriff Litchard Hurley

Sheriff Litchard D. Hurley

Major Fred Rutledge

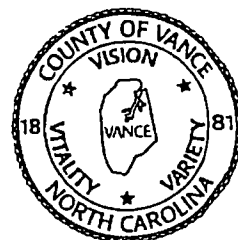
Major Fred Rutledge

"The Sheriff shall keep and preserve the peace of his county"



VANCE COUNTY JAIL

516 Breckenridge Street
Henderson, North Carolina 27536
(252) 438-3923



R THOMAS BREEDLOVE

May 6, 2004

Mr. Roy Cooper, Attorney General
North Carolina Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602-0629

**Re: Recording Technology
Inmate Telephone System**

Dear Mr. Cooper,

The above caption is being used at the Vance County Jail. This equipment has helped us tremendously on a homicide case, breaking and entering and has assisted us in stopping contraband from being brought into the facility (i.e., marijuana, crack, cocaine, etc.).

This equipment is a valuable security tool that assists us in doing a better job at the Vance County Jail in maintaining custody and security over inmates. I would recommend this technology to any Jail Administrator in North Carolina. Additionally, it has also assisted in the investigation and apprehension of detention officers bringing in contraband into the facility leading to their dismissals.

Should you desire any further information on this technology, please feel free to contact me at 252-738-2209.

Sincerely,

Charles S. Hawley
Director of Administrative Services
Vance County Sheriff's Office

CSH/lml

Office of the Sheriff



SHERIFF
CAREY A. WINDERS

P.O. Box 1877
207 E. Chestnut St.
Goldsboro, NC 27533
(919) 731-1481 Office
(919) 731-1699 Fax

Honorable Roy Cooper, Attorney General
North Carolina Department of Justice
PO Box 629
Raleigh, NC 27602-0629

Dear Sir,

I am writing this letter in support of Paytel Communications who has provided inmate telephone service to the Wayne County Detention Center for several years. As a result of our association with Paytel we have new technology that allows us to monitor and record inmate phone calls. This capability has assisted our Law Enforcement Officers in Investigations such as Drugs, Robbery, Homicides, and other crimes. We as Law Enforcement Officers need all the tools that are available to help fight the war against crime. Paytel Communications is a valuable partner in this fight. Due to tight budgets many resources are not available making our business relationship with Paytel Communication very valuable and necessary.

In closing I stress the importance of this technology and the value of service provided by Paytel to the Law Enforcement Officers and the Citizens of Wayne County.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Carey A. Winders", written over a horizontal line.

Sheriff C A Winders
Wayne County
PO Box 1877
Goldsboro NC 27533

"Dedicated to Serving the Citizens of Wayne County"

Office of the Sheriff

SHERIFF
WAYNE V. GAY



P O. BOX 1666
WILSON, N. C. 27894-1666

252-237-2118
FAX 252-399-2871

May 3, 2004

Attorney General Roy Cooper
North Carolina Department of Justice
Post Office Box 629-0629
Raleigh, North Carolina 27602

Dear Attorney General Cooper:

I am writing to express to you the value of the technology now available through inmate phone service. In my travels as President of the National Sheriffs' Association, I have spoken to representatives of agencies across the United States and as well as in North Carolina, where several major cases were solved by the monitoring capabilities now offered by inmate phone service providers. Because of this technology, jail security has improved. Jails are able to hear about contraband smuggling attempts, escape plans and planned assaults, as well as other things.

In my opinion, this technology should be utilized in all jails across our great state. I ask that this information be passed along to the North Carolina Public Utilities Commission in an effort to encourage them to help the inmate phone companies who are doing business in North Carolina.

Thank you for your time and for your assistance to this very important matter.

Sincerely,

A handwritten signature in cursive script that reads "Wayne V. Gay".

Wayne V. Gay
Sheriff, Wilson County

"The sheriff shall keep and preserve the peace of his county."